

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDRE N. SCHWINDT,

Defendant.

**4:23CR3121**

**ORDER**

The Court held a hearing on Defendant's motion to review detention (Filing No. 25) on April 4, 2024, which was opposed by both plaintiff and pretrial services. Counsel for the plaintiff, counsel for defendant, and the Defendant were present at such hearing.

The defendant is charged with a felony involving a minor victim. After consideration of the evidence presented and information of record, the court concludes the defendant must remain detained and denies Defendant's motion to review detention (Filing No. 25).

There is a rebuttable presumption that no condition or combination of conditions of release will reasonably assure the defendant's appearance at court proceedings and the safety of the community because there is probable cause to believe the defendant committed a felony involving a minor. The defendant has not rebutted this presumption.

Based on the evidence presented and information of record, the court finds by a preponderance of the evidence that the defendant's release would pose a risk

of nonappearance at court proceedings, and by clear and convincing evidence that the defendant's release would pose a risk of harm to the public.

Specifically, the court finds that the defendant has a criminal history of violating the law and court orders; violated conditions of release previously imposed by a court; is addicted to or abuses illegal drugs; lacks a stable residence; has limited employment contacts; and has mental health issues which will pose a risk of harm if the defendant is released.

Conditions which restrict Defendant's travel, personal contacts, and possession of drugs, alcohol, and/or firearms; require reporting, education, employment, or treatment; or monitor Defendant's movements or conduct; or any combination of these conditions or others currently proposed or available (see 18 U.S.C. § 3142(c)), will not sufficiently ameliorate the risks posed if the defendant is released.

Dated this 4th day of April, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca  
United States Magistrate Judge